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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,431	04/06/2001	Imaddin Othman Albazz	CA920000034US1	6091
36736	7590	09/30/2005	EXAMINER	
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			ELISCA, PIERRE E	
		ART UNIT		PAPER NUMBER
				3621

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/827,431	ALBAZZ ET AL.
	Examiner Pierre E. Elisca	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 13 July 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14, 16, 17, 19-27, 29-36, 38-46 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-6, 20-26 and 39-45 is/are allowed.
- 6) Claim(s) 14, 16, 17, 19, 27, 29, 36, 38, 46, and 48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to Applicant's response, filed on 07/13/2005.
2. Claims 1-14, 16-17, 19-27, 29-36, 38-46, and 48.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 7-13 are rejected under 35 U.S.C. 101 because it is directed to non-statutory subject matter specifically, as directed to an abstract idea.

Computer program not claimed as embodied in computer-readable media are descriptive material *per se* are not statutory because they are neither physical thing nor statutory processes. The claims recite a program for preventing an illegal use of digital contents which do not define any structural and functional interrelationships with a general purpose computer for permitting the claimed functions to be realized. In contrast, a statutory claim would define structural and functional interrelationships between data structures or functional parts and a computer which permit the data functions to be realized. Thus, the claim is rejected as being non-statutory as described above.

#### ***Allowable Subject Matter***

5. Claims 1-6, 20-26, 30-35, and 39-45 are allowed over the prior art of record.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14, 16, 17, 19, 27, 29, 36, 38, 46, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr. US 2001/0047282 A1 in view of Hoyt et al. (U.S. pat. No. 6,067,531).

As per claims 27, 29, 36, 38, 46 and 48 Raveis substantially discloses a system/method for managing real estate transactions over a distributed computer network including the steps of storing data relating to a plurality of listing in a computerized database, each listing owned by an office, each office having a plurality of agents associated therewith. The offices and the manager associated with a transaction in accordance with a set of parameters, comprising:

a computer for storing at least one contract (see., page 7, col 9, specifically listings 542) storing set containing parameters (see., page 7, col 9, specifically listings 542, and wherein said manager commissions are determined based on many parameters); generating links between the contract (see., pages7 -pages 12);

interlocking the links to lock the contract (see., col 7, lines 26-42, it is obvious to realize that all business transaction contracts have a locking date or process, specifically, real estate contracts).

Raveis fails to explicitly disclose wherein said compilation of business rules and storing terms and conditions. However, Hoyt discloses an automated contract negotiator/generation system/method in which multiple users, coupled by a computer network, access a contract database containing multiple contracts with multiple contract components therein. A client applet facilitates user input at the client system and assists in a standardization of legal phrasing and contract negotiation. The client applet enforces business rules to qualify a contract for expedited approval (see., abstract, col 1, lines 5-47, col 2, lines 12-56. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the real estate transactions Raveis by including the limitation detailed above as taught by Hoyt because this would support approval policies by applying business rules to control specific contract terms.

As per claims 14, 16, 17 and 19 Raveis and Hoyt a system/method for managing real estate transactions over a distributed computer network including the steps of storing data relating to a plurality of listing in a computerized database, each listing owned by an office, each office having a plurality of agents associated therewith. The offices and the manager associated with a transaction in accordance with a set of parameters, comprising:

storing at least one contract (see., see., page 7, col 9, specifically listings 542); storing set containing parameters (see., page 7, col 9, specifically listings 542, and wherein said manager commissions are determined based on many parameters); generating links between the contract (see., col 7, lines 26-42, it is obvious to realize that all contracts have a locking date or process, specifically, real estate contracts); interlocking the contract (see., pages7 -pages 12). Shkedy fails to explicitly disclose wherein said compilation of business rules and storing terms and conditions. However, Hoyt discloses an automated contract negotiator/generation system/method in which multiple users, coupled by a computer network, access a contract database containing multiple contracts with multiple contract components therein. A client applet facilitates user input at the client system and assists in a standardization of legal phrasing and contract negotiation. The client applet enforces business rules to qualify a contract for expedited approval (see., abstract, col 1, lines 5-47, col 2, lines 12-56. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the commercial network system of Shkedy by including the limitation detailed above as taught by Hoyt because this would support approval policies by applying business rules to control specific contract terms.

#### RESPONSE TO ARGUMENTS

8. Applicant's arguments filed on 07/13/2005 have been fully considered but they are not persuasive.

REMARKS

9. In response to Applicant's arguments, in regard to claims 14, 17, 27, 36, 46, and 48, Applicant argues that the prior art of record fail to disclose the recited feature:
  - a. "post-contract processing". However, The Examiner respectfully disagrees with this assertion since this limitation (post-contract processing) is nowhere to be found in the claims, and therefore, Applicant's argument is moot.
  - b. " a system for conducting a contractual activity over a computer network pursuant to a contract between one seller and a buyer". As noted above, Raveis substantially discloses a system/method for managing real estate transactions over a distributed computer network including the steps of storing data relating to a plurality of listing in a computerized database, each listing owned by an office, each office having a plurality of agents associated therewith. The offices and the manager associated with a transaction in accordance with a set of parameters, and therefore the process of managing a real estate transaction over a distributed network between a seller and a buyer is readable as Applicant's claimed invention of conducting a contractual activity over a computer network (see., page 7, col 9).
  - c. " the contract comprising a predefined set of terms and conditions". As indicated above, it is obvious to realize that all business transaction contracts have a locking date, or terms/conditions, specifically, real estate contracts, because it is a common business practice.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

**Primary Patent Examiner**

**September 27, 2005**